

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BPS DIRECT, LLC and CABELA'S,
LLC, WIRETAPPING

MDL NO. 3074
2:23-md-03074-MAK

PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

MDL Plaintiffs, by and through undersigned counsel, hereby submit the following in response to the Court's Order of November 17, 2023 (ECF No. 81). Pursuant to that Order, "the parties shall confer consistent with our July 26, 2023 Order (ECF No. 52) so as to allow Plaintiffs to show cause in a Memorandum not exceeding five pages filed no later than November 28, 2023 as to why we should not appoint the Honorable Thomas I. Vanaskie (Ret.) formerly of our Court of Appeals and Chief Judge for the United States District Court for the Middle District of Pennsylvania as a Rule 53 discovery master to allow the parties direct and repeated expedited study of their discovery concerns consistent with Judge Vanaskie's protocols and recommended Orders subject to timely objection within one business day of Judge Vanaskie's recommended Order." ECF No. 81 at 2.

MDL Plaintiffs do not oppose the appointment of Judge Vanaskie as a Rule 53 discovery master to allow the parties direct and repeated expedited study of their discovery concerns consistent with Judge Vanaskie's protocols and recommended Orders subject to timely objection within one business day of Judge Vanaskie's recommended Order. Plaintiffs have conferred with counsel for Defendants and for the *Irvin* case and understand that no other party opposes the appointment of Judge Vanaskie either if that is the Court's preference.

Date: November 28, 2023

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